THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.23085 OF 1998

DATED: 09-03-2007

Between :

Sri Gadde Gandhi ... Petitioner

And

1. The District Collector, West Godavari District., Eluru., and two others.

.. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.23085 OF 1998

ORDER :

This writ petition is filed seeking a declaration that the action of the respondents in interfering with the possession of the petitioner's land situated in R.S.No.82/2, 102/1pt, 102/2pt an extent of Ac.9-19 cents of Busarajupalli Village, Buttaigudem Mandal, W.G. District, as arbitrary, illegal and contrary to the provisions of A.P. Scheduled Areas Land Transfer Regulation (Regulation 1 of 1959) as amended by Regulation 1 of 1970 .

In the affidavit filed in support of the writ petition, it is pleaded that the land in question is situated in agency tract and the petitioner being non-tribal, the Special Deputy Collector initiated proceedings for ejection under Regulation 1 of 1959. However, after due enquiry, it was concluded that there was no contravention of the provisions of Regulation 1 of 1959 and accordingly the proceedings were disallowed. The said order dated 12-7-1991 has become final. Alleging that in spite of the said order, the Mandal Revenue Officer has been trying to interfere with the possession of the petitioner, this writ petition has been filed.

In response to Rule Nisi ordered, the Mandal Revenue Officer, Buttaigudem Mandal filed a counter-affidavit on behalf of the respondents in which the fact that the Special Deputy Collector, Tribal Welfare, K.R. Puram by order dated 12-7-1991 disallowed the claim petition filed by the Special Deputy Tahsildar in respect of the lands in possession of the petitioner has not been disputed. However, it is

stated that the allegations that the respondents have been trying to interfere with the possession of the petitioners is incorrect and without any basis. It is further stated that the respondents never threatened the petitioners to dispossess from the land in question.

In view of what has been stated in the counter-affidavit, it is clear that there is no threat of dispossession as prayed for by the petitioners.

Accordingly, recording the statement of the respondents in their counter-affidavit that they are not interfering with the possession of the petitioner, the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

Dt. 9-3-2007
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